

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31771 of 2023**

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

Arbind Kumar @ARBIND Yadav Sonof Ishwar Yadav Resident Of Village-  
Koli, Ps- Halsi, Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      26-09-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
18.01.2023 in connection with Halsi P.S. Case No. 169 of 2021,  
F.I.R. dated 16.08.2021 for the offences punishable under  
Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, co-accused persons  
namely, Dilip Kumar, Rajesh Kumar and Dinesh Mahton and  
two unknown persons having armed with pistol and cartridge  
fired upon the husband of the informant due to which he  
sustained injuries.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of suspicion. He further submits that it appears from the F.I.R. that there is specific allegation against the three accused persons namely, Dilip Kumar, Rajesh Kumar and Dinesh Mahton and two unknown persons fired upon the husband of the informant but the postmortem report suggests that only three firearm injuries was found on the persons of the deceased. He further submits that there is no acquisition of any assault or overt act attributed against the petitioner and even during the course of investigation no other material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sikandar Yadav @ Sakindra Yadav has been granted bail by this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 38456 of 2023, co-accused, namely, Sunil Mistri @ Computer has been granted bail by a co-ordinate Bench of this Court vide order dated 21.12.2022 passed in Cr. Misc. No. 13469 of 2022 and co-accused, namely, Rudal Dhadhi @ Rudal Dhari and Gulphul Devi have been granted bail by a co-ordinate Bench of this



Court vide order dated 16.11.2022 passed in Cr. Misc. No. 4364 of 2022 and Cr. Misc. No. 7479 of 2022 respectively. The petitioner is in custody since 18.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Lakhisarai in connection with Halsi P.S. Case No. 169 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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